

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

SHONDOLYN R. BLEVINS,  
Plaintiff,

v.

BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS AND EXPLOSIVES,  
Defendant.

CASE NO: 2:21-cv-00073

**JLR**

JOINT STIPULATION AND ~~[PROPOSED]~~  
ORDER TO EXTEND DEADLINE FOR  
PLAINTIFF'S RESPONSE TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT

NOTED FOR CONSIDERATION:

FEBRUARY 9, 2023

**I. INTRODUCTION**

The parties agree that a three-week extension of the deadline for Plaintiff's opposition to the Motion for Summary Judgment filed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is warranted. Specifically, Ms. Blevins has not had an opportunity to speak to her court-appointed pro bono counsel following review of the motion, due to restrictions at the Bureau of Prisons facility where she is located in West Virginia. Counsel for ATF has no objection to an extension of the deadline.

This motion is supported by the Declaration of Andrea Bradford ("Bradford Decl.").

## II. STATEMENT OF FACTS

The Court's December 12, 2022 order set a deadline of January 17, 2023 for ATF's motion for summary judgment and a February 13, 2023 deadline for Ms. Blevins' response. Dkt. 54. ATF filed its motion for summary judgment on January 17, 2023. Dkt. 55.

Counsel for Ms. Blevins mailed a copy of the motion to Ms. Blevins on January 19, 2023. Bradford Decl. ¶ 2. Counsel for Ms. Blevins has repeatedly attempted to schedule calls with Ms. Blevins. She is currently in special housing in a facility in West Virginia, and due to the restrictions at the facility and the limited availability of staff to facilitate calls, scheduling calls has been difficult. *Id.* ¶ 3. Ms. Blevins' Bureau of Prisons counselor has previously noted in scheduling calls that the facility may unexpectedly cancel calls due to health and safety issues at the facility. *Id.* ¶ 3.

Ms. Blevins's counsel was able to speak to Ms. Blevins briefly on January 25, 2023, but Ms. Blevins had not yet received a copy of the motion. *Id.* ¶ 4. The following day, January 26, 2023, counsel reached out to Ms. Blevins' BOP counselor to schedule a follow-up call. *Id.* ¶ 4. Counsel reached out again on January 27, 2023, and January 31, 2023, and received no response. *Id.* ¶ 4. Counsel followed up again on February 1, 2023, and was told for the first time that two weeks' notice was required to schedule calls with inmates. *Id.* ¶ 5. The BOP counselor informed counsel that the only available time for an attorney call was 6 a.m. PST to 8 a.m. PST on February 9, 2023. Counsel made herself available for the window identified by BOP, but did not receive a call. *Id.* ¶ 5.

Later in the morning on February 9, 2023, counsel followed up with BOP asking to schedule a call as soon as possible and informed them of the February 13, 2023 court deadline, but as of the time of filing, counsel has not received any response. *Id.* ¶ 5. Counsel conferred with the Assistant U.S.

1 Attorney in this case via email on February 9, 2023, and ATF does not object to the requested extension  
2 of the deadline. *Id.* ¶ 7.

### 3 4 **III. ARGUMENT**

#### 5 **A. Good Cause Exists to Extend the Deadline.**

6 The court's case schedule may be amended for "good cause and with the judge's consent."  
7 LCR 16(b)(6). "The district court may modify the pretrial schedule 'if it cannot reasonably be met  
8 despite the diligence of the party seeking the extension.'" *Johnson v. Mammoth Recreations, Inc.*, 975  
9 F.2d 604, 609 (9th Cir. 1992) (quoting Fed. R. Civ. P. 16 advisory committee's notes (1983  
10 amendment)). Pursuant to LCR 7(j), an unforeseen emergency exists justifying same-day relief.

11 Plaintiff's counsel has been diligent in seeking to speak with her client. *See* Bradford Decl. ¶¶ 3-  
12 6. Ms. Blevins should have an opportunity to review ATF's dispositive motion and speak with her  
13 attorney before filing an opposition. Despite counsel's best efforts, Ms. Blevins has not had that  
14 opportunity. Ms. Blevins accordingly seeks an additional three weeks to file her opposition due to the  
15 limited availability to schedule calls, BOP's statement that two weeks' notice is required to schedule  
16 attorney calls, and to avoid the need to seek an additional extension.

### 17 18 **IV. CONCLUSION**

19 For the reasons explained above, the parties jointly request that the Court extend the deadline to  
20 file her opposition to ATF's summary judgment motion from February 13, 2023, to March 6, 2023.

21 IT IS SO STIPULATED, THROUGH PARTIES OF RECORD.

22  
23 /////

24  
25 /////

26  
27 /////

1 DATED this 9th day of February, 2023.

2 Respectfully submitted,

3 FOSTER GARVEY PC

4 s/Andrea L. Bradford

5 ANDREA L. BRADFORD, WSBA #45748

6 ADRIAN URQUHART WINDER, WSBA #38071

7 1111 Third Avenue, Suite 3000

8 Seattle, Washington 98101-3299

9 Tel: (206) 447-8972

10 Fax: (206) 447-9700

11 Email: Andrea.Bradford@foster.com

12 Email: Adrian.Winder@foster.com

13 *Attorneys for Plaintiff*

14 DATED this 9th day of February, 2023.

15 Respectfully submitted,

16 NICHOLAS W. BROWN

17 United States Attorney

18 s/ Nicholas Bohl

19 NICKOLAS BOHL, WSBA #48978

20 Assistant United States Attorney

21 Western District of Washington

22 700 Stewart Street, Suite 5220

23 Tel: (206) 553-7970

24 Fax: (206) 553-4067

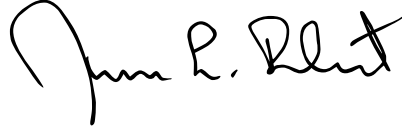
25 Email: nickolas.bohl@usdoj.gov

26 *Attorneys for Defendant*

**ORDER**

**IT IS SO ORDERED.**

Dated this 9th day of February, 2023.



---

JAMES L. ROBART  
United States District Court Judge